

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Ronald C. Albright,

Petitioner,

V.

Warden Lieber Correctional
Institution,

Respondent.

Case No. 4:25-cv-02826-JDA-TER

OPINION AND ORDER

This matter is before the Court on a motion for temporary restraining order filed by Petitioner. [Doc. 9.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pre-trial proceedings.

On April 4, 2025, the Clerk docketed a petition for writ of habeas corpus filed pro se by a federal prisoner pursuant to 28 U.S.C. § 2254. [Doc. 1.] On April 21, 2025, the Clerk docketed a motion for temporary restraining order filed by Petitioner. [Doc. 9.] The Magistrate Judge issued a Report and Recommendation (“Report”) on April 28, 2025, recommending that Petitioner’s motion be denied. [Doc. 15.] The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do. [*Id.* at 3.] Petitioner has not filed objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71

(1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, Petitioner’s motion for temporary restraining order [Doc. 9] is DENIED.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

June 18, 2025
Florence, South Carolina